



7 B-1
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE January 21, 2005 LOCAL EFFECTIVE DATE February 4, 2005 APPROX FINAL EFFECTIVE DATE February 25, 2004	CONTACT/PHONE Ryan Hostetter 788-2351	APPLICANT Boyd and Jackie Hogan	FILE NO. DRC2004-00089
SUBJECT Request by Boyd and Jackie Hogan for a Minor Use Permit/Coastal Development Permit to remove the existing 700 square foot single family residence and replace it with a new 2,798 square foot single family residence and garage. The new home will be 28 feet in height after completion, and contain 213 square feet of new deck area. The project is located at 2023 Chester in the Community of Cambria, in the North Coast Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit / Coastal Development Permit DRC2004-00038 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption pursuant to CEQA guidelines section 15303 was issued on December 28, 2004 (ED04-289).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Program, Terrestrial Habitat, Archaeologically Sensitive Area	ASSESSOR PARCEL NUMBER 023,063,020	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Setbacks, Height, Footprint and Gross Structural Area Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local coastal Program, Terrestrial Habitat and Archaeologically Sensitive Area <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

7 B1-2

EXISTING USES: Site currently has a residential single family home.	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residential <i>East:</i> Residential Single Family/residential <i>South:</i> Residential Single Family/residential <i>West:</i> Residential Single Family/residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District, California Coastal Commission	
TOPOGRAPHY: Site is level to gently sloping	VEGETATION: Ornamental Vegetation
PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire Department	ACCEPTANCE DATE: November 24, 2004

DISCUSSION

PLANNING AREA STANDARDS:

Lot Size: 5250 square feet

Triple, Forested

Oversized lot adjustment: none

Slope: approx 14 percent

Number of trees to be removed: 0

Base: 1,200 sq ft footprint, 2,400 sq ft GSA

PROJECT REVIEW	ALLOWABLE	EXISTING	PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	1,200	700	1553	OK with 353 TDC's
GSA (SQUARE FEET)	2,400	700	2798	OK with 398 TDC's
DECKS (SQUARE FEET)				
PERVIOUS	360	0	213	OK
IMPERVIOUS	120	0	0	OK
HEIGHT (FEET)	28'	28'	28'	OK
SETBACKS (FEET)				
FRONT	10' or 15' (front and rear to total 25')	10'	15'	OK
REAR	10' or 15' (front and rear to total 25')	26'	10'	OK
SIDE	5'	5'	5'	OK
STREET SIDE	N/A	N/A	N/A	N/A

LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

7 B-3

Public Works:

Policy 1: Availability of Service Capacity applies to the project. A will serve letter from Cambria Community Services District dated October 21, 2004 was submitted which shows impact fees for an addition to the existing single family residence.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Single Family category on a slope less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new residence will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized. If trees are removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats and proposed development will be consistent with the biological continuance of the habitat.

Policy 3: Habitat Restoration: The proposed project is consistent with this policy because if removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 27: Protection of Terrestrial Habitats: The proposed project is consistent with this policy because not allowing a single family residence or residential accessory uses (principally permitted uses in the Residential Single Family land use category) could potentially constitute a taking under the 5th Amendment of the US Constitution. Therefore, allowing a single family residence or residential accessory use to be developed on the property is considered to be a reasonable use of the land (pursuant to Section 30010 of the Coastal Act).

Policy 28: Protection of Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized. If trees are removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 33: Protection of Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design.

Archeology:

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas applies to the project. The Preliminary Site Survey conducted for the parcel by Parker and Associates (September 29, 2004) found no historic or prehistoric cultural materials on the parcel.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: None received as of 12/28/04

AGENCY REVIEW:

Public Works- Recommend approval- New driveway will require an encroachment permit. Need Drainage plan

7B-4

Hearing Officer
Minor Use Permit # DRC2004-00089/Hogan
Page 4

approved by Public Works. As a replacement structure no Cambria Road Fees will be due.
Cambria Fire - No Comment as of 12/28/04.
Cambria Community Services District - See letter in file. Impact fees paid for additional water fixtures.

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen

7-5

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 because the project is a minor addition to an existing single family residence.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Archeological Sensitive Area

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no resources were found during the preliminary site survey.

Terrestrial Habitat

- I. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized and if trees are removed, they will be replaced on a two-to-one basis.
- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.
- K. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized and if trees

7-6

are removed, they will be replaced on a two-to-one basis.

- L. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- M. There will be no significant negative impact to the identified sensitive habitat and the project or use will be replaced on a two-to-one basis.
- N. The project or use will not significantly disrupt the habitat, because it is a single-family residence with minimal site disturbance.

TDC's

- O. Adequate instruments have been executed to assure that lot(s) to be retired will remain in permanent open space and that no development will occur because the applicant will provide verification that the retired lot(s) have been transferred to the Land Conservancy of San Luis Obispo County.
- P. The "receiver" site can accommodate the proposed scale and intensity of development without the need for a variance (Section 23.01.045), exception to height limitations (Section 23.04.124b) or modification to parking standards (Section 23.04.162h), because, as conditioned, the project or use meets Coastal Zone Land Use Ordinance and Land Use Element requirements.

7th-7

EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the removal of an existing 700 square foot single family residence, and replace it with a new 2,798 square foot single family residence and garage. The new home will be 28 feet in height after completion, and contain 213 square feet of new deck area.
2. All permits shall be consistent with the approved Site Plan, Floor Plans, and Elevations.

Height Verification

3. **Prior to any site disturbance**, a licensed surveyor shall establish average natural grade (high and corners staked) and set a reference (benchmark) point. Maximum height is 28 feet as measured from average natural grade.
4. **Prior to framing inspection**, the applicant shall provide written verification to the building inspector certifying the building height, including the actual and allowable building heights. The certification shall be done by a licensed surveyor.

Grading, Drainage, Sedimentation and Erosion Control

5. **Prior to issuance of construction permits**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
6. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Fire Safety

7. **Prior to issuance of a construction permit**, the applicant shall provide the County Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.
8. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

Transfer of Development Credits

9. **Prior to issuance of construction permits**, provide written verification from the Land Conservancy of San Luis Obispo County that 398 square feet of building footprint has been transferred from a parcel within a special project area to the subject property.

Tree Protection/Replacement

In an effort to protect individual oak and pine trees, the mixed forest habitat, and the species that depend upon that habitat, the following measures shall be implemented:

10. **Within 90 days of occupancy**, one Coast live oak tree will be removed as a result of the grading for the residence shall be replaced at a 4:1 ratio for oaks. A total of 4 Coast live oak trees shall be planted. Replacement Coast live oak trees shall be at least one gallon container sizes.
11. These newly planted trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Once the replacement trees have been planted, the applicant shall retain a qualified individual to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted

7-8

to the Department of Planning and Building.

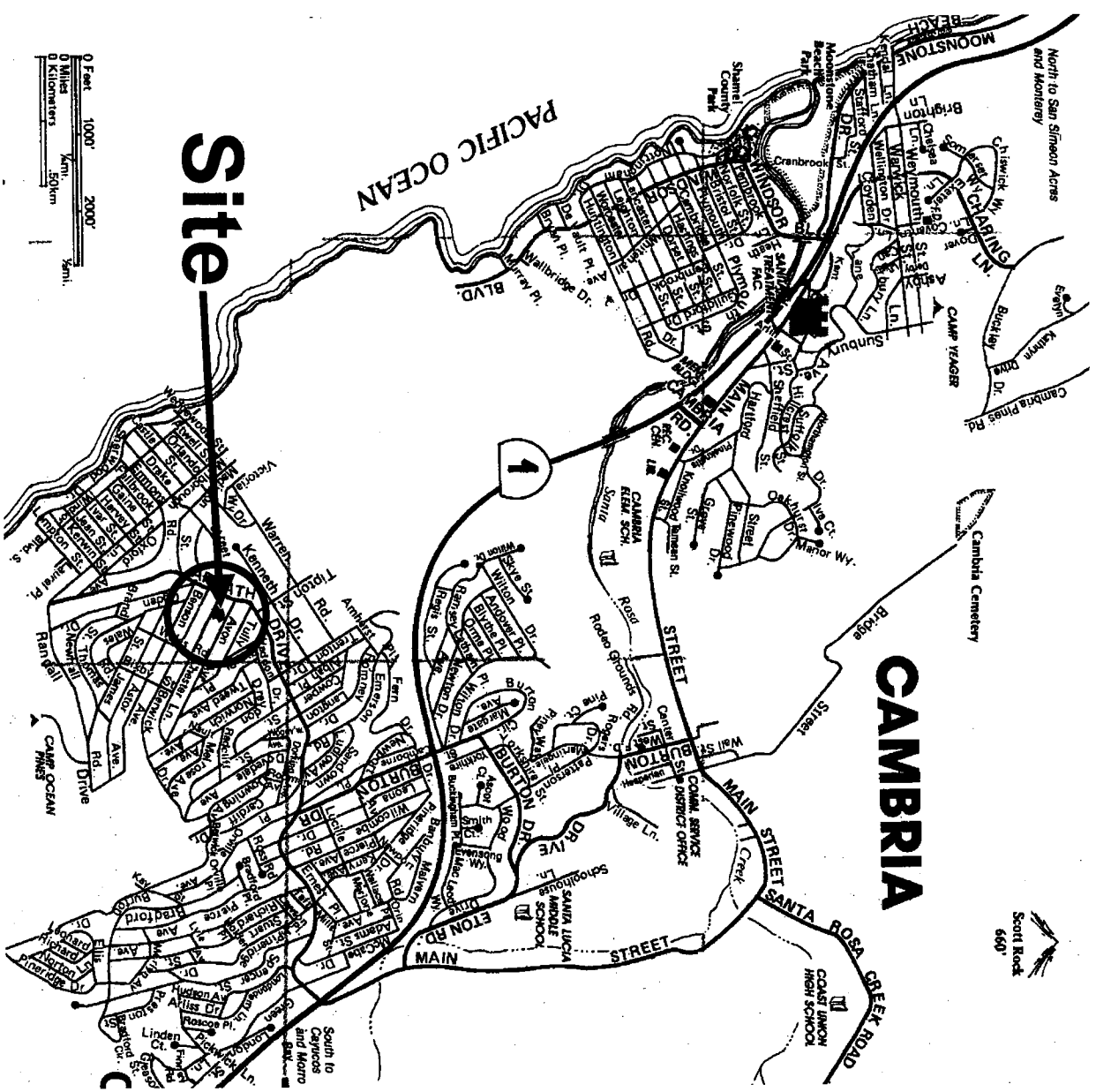
12. All trees to remain on-site that are within ten feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.

Miscellaneous

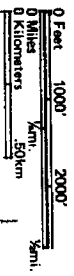
13. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
14. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
15. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').

7 圖-9

North to San Simeon Acres and Monterey



Site



PROJECT

Minor Use Permit
Hogan DRC2004-00089



EXHIBIT

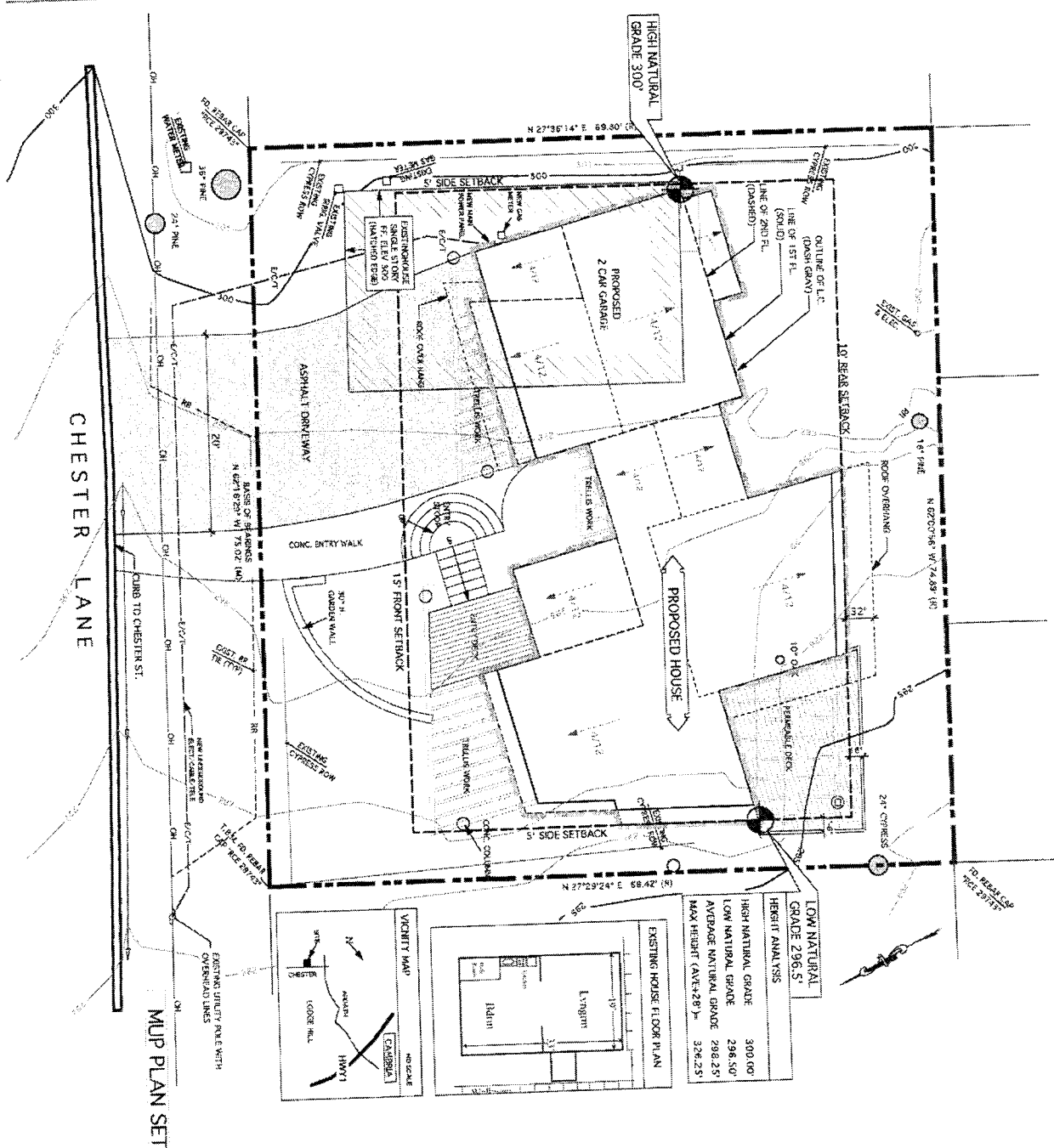
Vicinity Map

Minor Use Permit

Hogan DRC2004-00089



Site Plan



AREA

Site

PL 95-129

3.
C95-001

CO



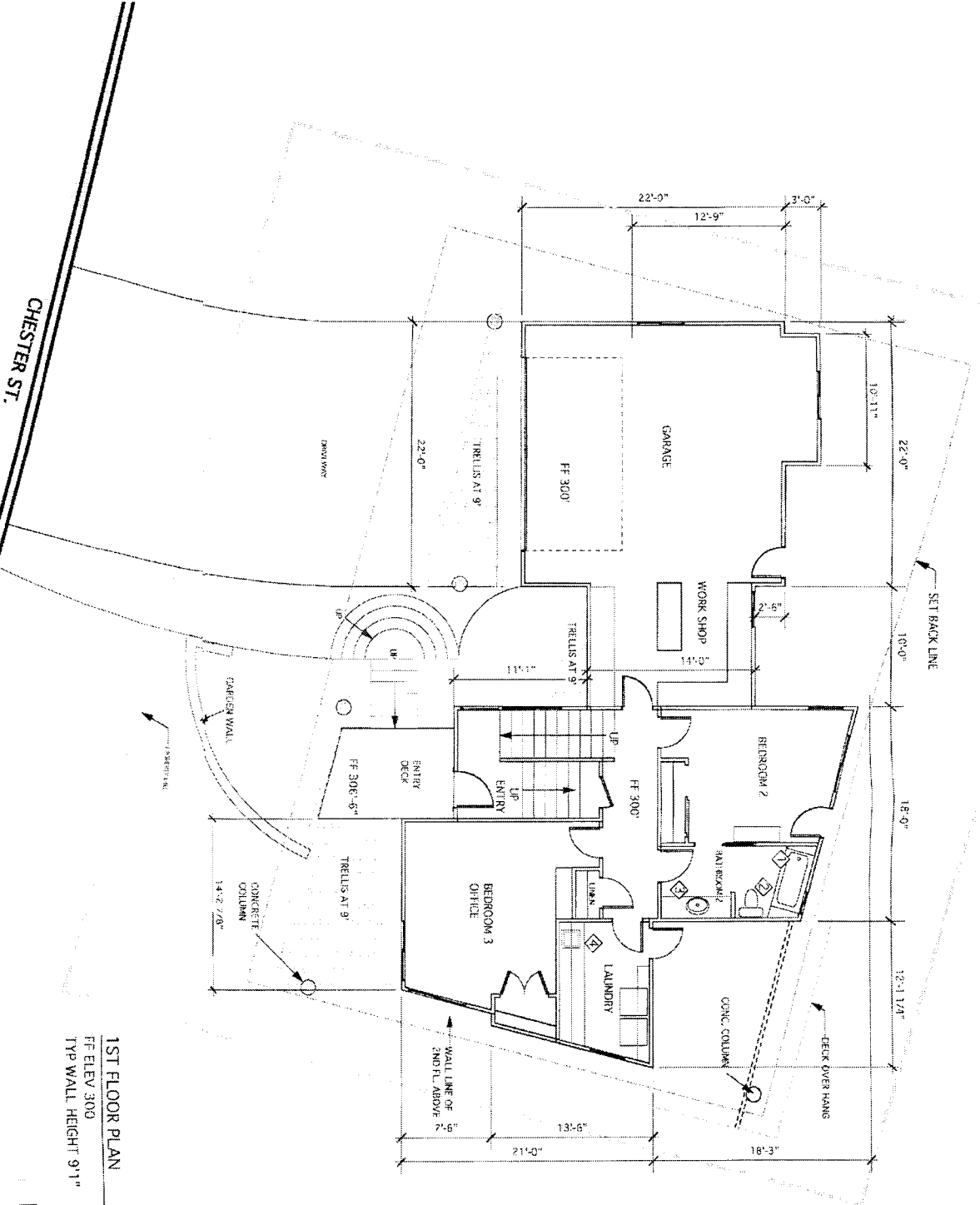
NO. 1

PROJECT Minor Use Permit
Hogan DRC2004-00089



EXHIBIT _____
Land Use Category Map-RSF

7-12



1ST FLOOR PLAN
FF ELEV 300
TYP WALL HEIGHT 9'1"

MUP PLAN SET

PROJECT

Minor Use Permit
Hogan DRC2004-00089



EXHIBIT

First Floor Plan

7-13

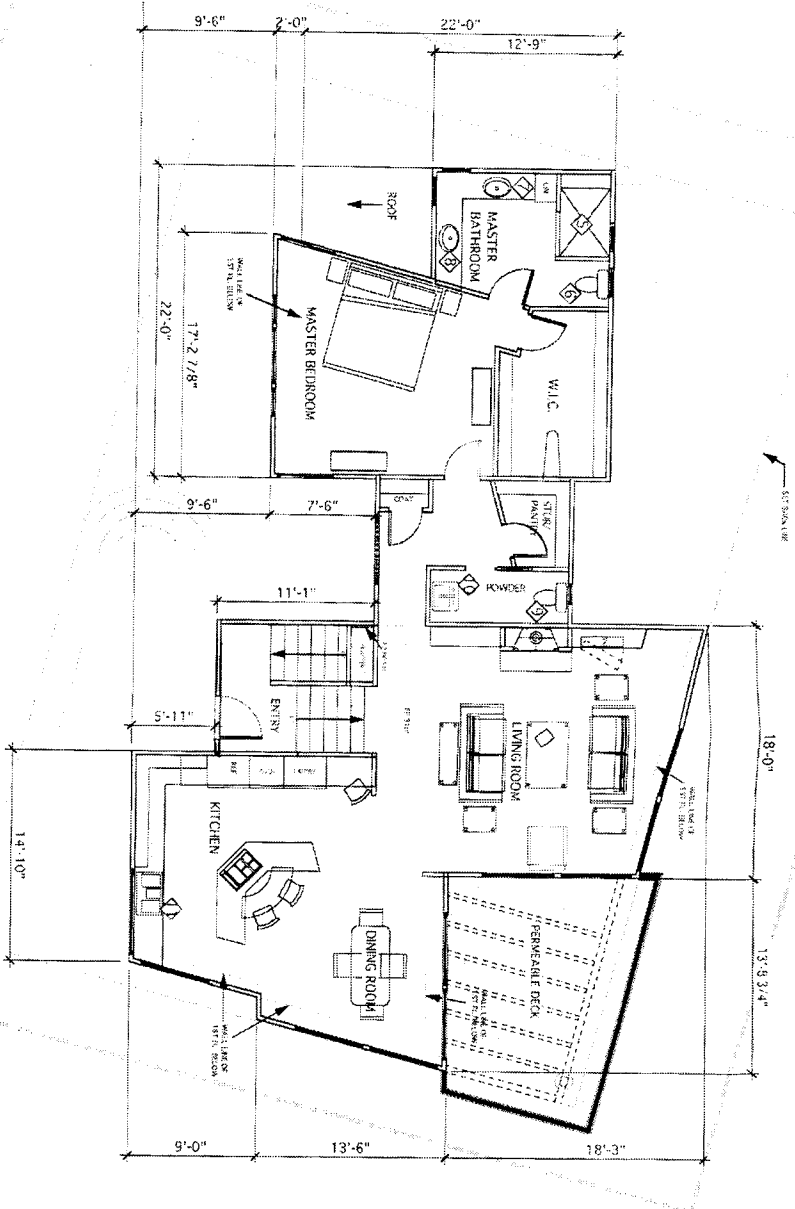
PROJECT

Minor Use Permit
Hogan DRC2004-00089



EXHIBIT

Land Use Category Map-RSF



2ND FLOOR PLAN
F.E. ELEV 310
TYP. WALL HEIGHT 9'1"

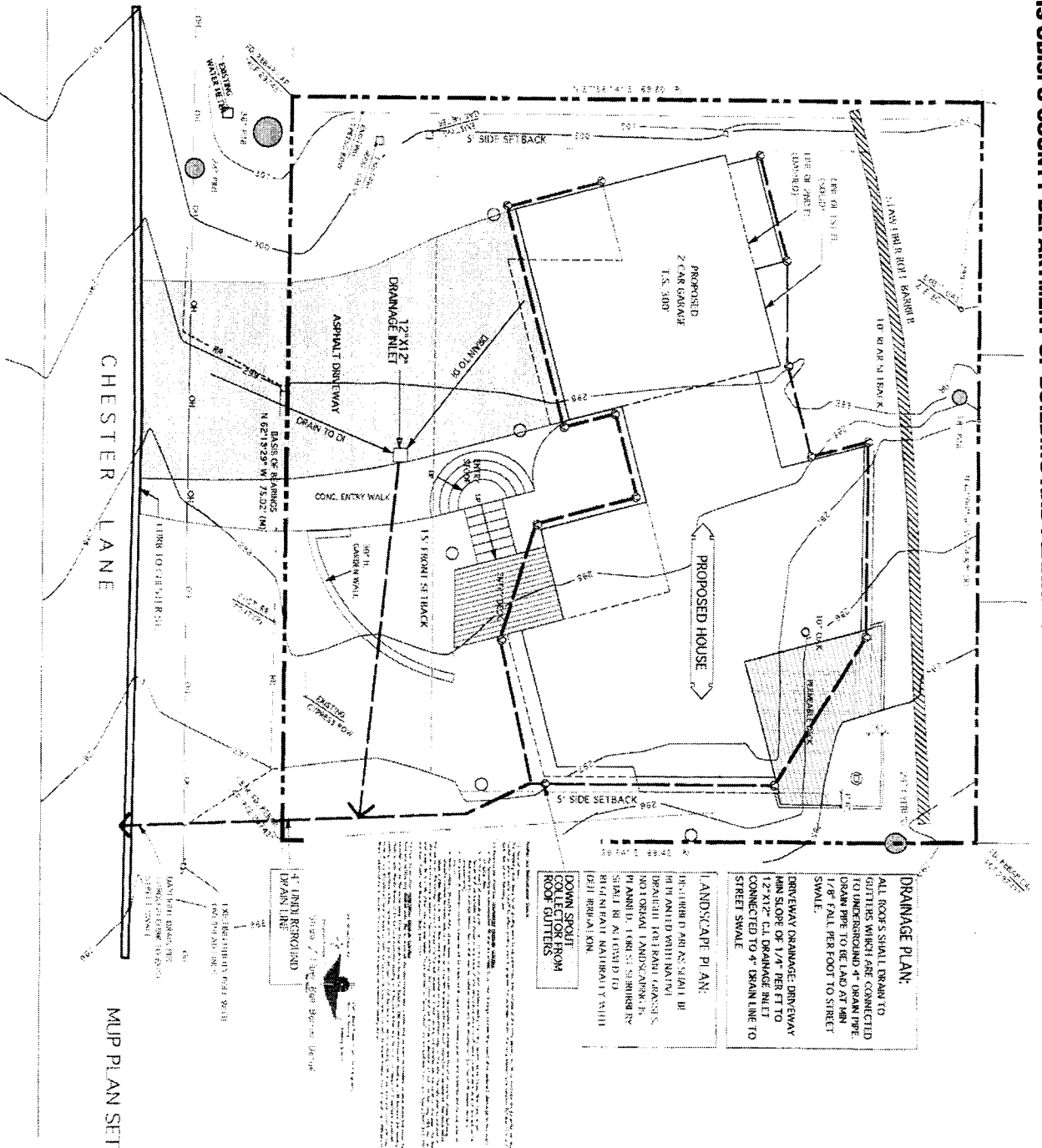
SCALE 1/8"

MUP PLAN SET

Hogan DRC2004-00089



Drainage/Landscape Plan



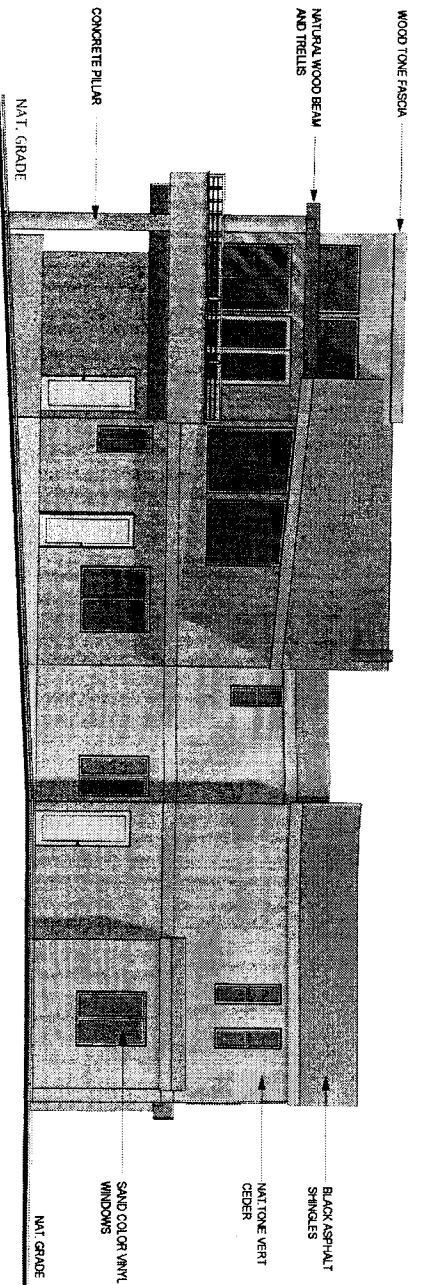


Minor Use Permit
Hogan DRC2004-00089

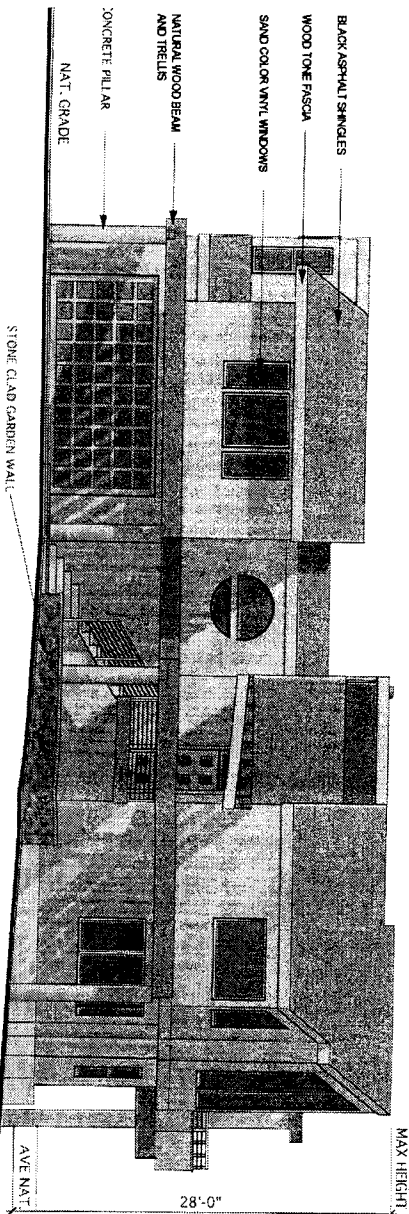


Right/Left Elevations

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BACK ELEVATION (SOUTH)



FRONT ELEVATION (NORTH)

HEIGHT ANALYSIS	
HIGH NATURAL GRADE	300.00'
LOW NATURAL GRADE	296.50'
AVERAGE NATURAL GRADE	298.25'
MAX HEIGHT (AVE. 28') ¹	306.25'

MAX HEIGHT ELV. 306.25'

28'-0"

HIGH NAT. EL. 300'

AVE NAT. EL. 298.25'

LOW NAT. EL. 296.5'

MUP PLAN SET

PROJECT

Minor Use Permit
Hogan DRC2004-00089



EXHIBIT

Back/Front Elevations